

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUANA SIERRA,

Plaintiff,

07 Civ. 6769 (JSR)

AFFIRMATION

- against -

CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF BUILDINGS, and PATRICIA
J. LANCASTER, in her capacity as
COMMISSIONER OF NEW YORK CITY
DEPARTMENT OF BUILDINGS; NEW
YORK CITY DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT, and
SHAUN DONOVAN, in his capacity as
COMMISSIONER OF NEW YORK CITY
DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT; and EMAD IBRAHEM.

Defendants.
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JIM PROVOST, an attorney admitted to practice in the Courts of the State of
New York, hereby affirms, under penalty of perjury, that the following is true:

1. I am a senior attorney at Manhattan Legal Services, a program of Legal
Services for New York City, a not-for-profit agency that provides free legal services to
low-income persons living in Manhattan.

2. As part of Manhattan Legal Services' comprehensive legal services for
low-income Manhattan residents, our agency has an East Side SRO Legal Services
Project that provides free legal services to low-income tenants living in SRO units on the
East Side of Manhattan and all of lower Manhattan below 14th Street. Another
organization, MFY Legal Services, also provides legal services to SRO tenants in this
area.

3. I have practiced in the area of housing law for over 22 years and for the past 6 of those years I have worked with low-income tenants living in SRO units as part of the East Side SRO Legal Services Project. I have extensive experience with the problems faced by SRO tenants in New York City.

4. I submit this affidavit to support Plaintiff Sierra's opposition to the City Defendant's motion to dismiss.

5. SRO housing is a crucial component of New York City's housing stock. Most tenants who live in SRO units do so because they are unable to obtain, much less afford, an apartment or other alternative housing. The majority of our clients living in SRO units have monthly rents below \$600. People with children who live in SROs are no exception.

6. There is no official yearly data released on the number of either occupied or vacant SRO units in New York City. Thus, the number of SRO units in the City is largely unknown. However there are estimates, which can be supported by client information gathered by organizations that work with tenants living in SROs, such as the East Side SRO Legal Services Project, MFY Legal Services, and the West Side SRO Law Project. In 2007, our office saw approximately 159 tenants living in SRO units.

7. Another way to ascertain an approximation of the number of SRO units in New York City is to search the Department of Housing Preservation and Development (HPD) web-site for class B housing accommodation units. The HPD Glossary provides "A "B" unit can be a rooming unit, single room occupancy unit or a hotel unit. A rooming unit shall mean one or more living rooms arranged to be occupied as a unit separate from all other living rooms, and which does not have both lawful sanitary facilities and lawful

cooking facilities for the exclusive use of the family residing in such unit. A single room occupancy unit is the occupancy by one or two persons of a single room, or of two or more rooms which are joined together, separated from all other rooms within an apartment so that the occupant(s) thereof reside separately and independently of the other occupant(s) of the same apartment. A hotel unit is a unit in an inn having thirty or more sleeping rooms.”

8. The HPD website provides building information on all of the multiple dwellings in the City, including but not limited to how many units exist in a certain building. Therefore, calculating the number of class B units in multiple dwelling buildings throughout the City would provide a more accurate estimation of the number of SRO units available. While it is not possible to simply search the HPD website for class B units, the City of New York certainly possesses this information.

8. In recent years, our office has encountered an increase in the number of tenants living in SROs with their children.

9. The SRO housing stock is vital to our low-income clients and their ability to find and maintain affordable housing in New York City.

WHEREFORE, I respectfully request that the relief sought herein be granted in all respects.

Dated: January 24, 2008
New York, New York


JIM PROVOST